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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,980	05/21/1999	KATSUYOSHI HAYASHI	040782-5061	7194

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/315,980

Applicant(s)

HAYASHI ET AL.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.    | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-8 are rejected under 35 U.S.C. 101 because claims 1-8 are directed to a recording medium storing descriptive material. The claimed descriptive material does not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to satisfy the requirements of 35 U.S.C. 101. See Warmerdam, 33 F.3d, 31 USPQ2d and MPEP, 2106, IV.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Khavakh et al (US 2003/0028319 A1).

Regarding claim 1, Khavakh et al discloses a recording medium (page 2, paragraph #0034 and page 3, paragraph #0036) having a plurality of recording layers, on each of which a plurality of navigation information is recorded, wherein navigation

Art Unit: 2615

information having a same attribute is recorded in a same one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 2, Khavakh et al also discloses the claimed wherein the plurality of navigation information includes first map data corresponding to a first area and second map data corresponding to a second area that is different from the first area (page 3, paragraph #0036), and wherein the first map data is recorded on one of the recording layers, and the second map data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 3, Khavakh et al further discloses the claimed wherein the plurality of navigation information includes map data corresponding to a plurality of scales (page 3, paragraph #0036), and wherein the map data having a same scale is recorded on the same one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 4, Khavakh et al discloses the claimed wherein the plurality of navigation information includes route search data and location search data (page 3, paragraph #0036), and wherein the route search data is recorded on one of the plurality of recording layers and the location search data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 5, Khavakh et al discloses wherein the plurality of navigation information includes map data (page 3, paragraph #0036), voice data (page 1, paragraph #0002) associated with the map data, and voice data independent of map data, and wherein the map data and the voice data associated with the map data are

Art Unit: 2615

recorded on one of the plurality of recording layers and the voice data independent of the map data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036 and page 1, paragraph #0002).

Regarding claim 6, Khavakh et al discloses wherein the plurality of navigation information includes map data and voice data (page 3, paragraph #0036 and page 1, paragraph #0002), and wherein the map data is recorded on one of the plurality of recording layers and the voice data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036 and page 1, paragraph #0002).

Regarding claim 7, Khavakh et al discloses a recording medium (page 2, paragraph #0034 and page 3, paragraph #0036) having a plurality of recording layers, in which there are a plurality of areas and on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same area of each of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 8, Khavakh et al discloses the claimed wherein the navigation information includes first map data corresponding to an area at a first scale and second map data corresponding to a area at a second scale that is different from the first scale (page 3, paragraph #0036), and wherein the first map data and the second map data are recorded on one of the recording layers and another one of the recording layers respectively in the same area (page 3, paragraph #0036).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al (US 2003/0028319 A1) in view of Sawabe et al (US 2002/0176695 A1).

Regarding claim 9, Khavakh et al discloses an information reproducing apparatus (Fig. 1) for reproducing information from a recording medium having a plurality of recording layers, on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same one of the plurality of recording layers (page 2, paragraph #0034 and page 3, paragraph #0036), the apparatus comprising:

reproducing means (page 2, paragraphs #0033 and #0034) for reproducing the navigation information from each of the recording layers of the recording medium. However, Khavakh et al does not specifically disclose means for emitting a light beam for reading the navigation information from the recording medium; focus control means

for controlling a position of the light beam in a focus direction; and tracking control means for controlling the position of the light beam in a tracking direction.

Sawabe et al teaches a DVD player having means (an optical pickup 80 of Fig. 8, page 10, paragraph #0143 and page 11, paragraph #0146) for emitting a light beam for reading the navigation information from the recording medium; focus control means (focus servo control disclosed in page 11, paragraph #0146) for controlling a position of the light beam in a focus direction; and tracking control means (tracking servo control disclosed in page 11, paragraph #0146) so that the light beam of the reproducing head can be irradiated precisely onto the information track and can be focused on the information record surface of the DVD 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the DVD player as taught by Sawabe et al into Khavakh et al's system in order to accurately reproducing the video signal recorded on the DVD by controlling the focusing and tracking of the reproducing head.

Regarding claim 10, Khavakh et al also discloses the claimed wherein the plurality of navigation information includes first map data corresponding to a first area and second map data corresponding to a second area that is different from the first area (page 3, paragraph #0036), and wherein the first map data is recorded on one of the recording layers, and the second map data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 11, Khavakh et al further discloses the claimed wherein the plurality of navigation information includes map data corresponding to a plurality of

scales (page 3, paragraph #0036), and wherein the map data having a same scale is recorded on the same one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 12, Khavakh et al discloses the claimed wherein the plurality of navigation information includes route search data and location search data (page 3, paragraph #0036), and wherein the route search data is recorded on one of the plurality of recording players and the location search data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036).

Regarding claim 13, Khavakh et al discloses wherein the plurality of navigation information includes map data (page 3, paragraph #0036), voice data (page 1, paragraph #0002) associated with the map data, and voice data independent of map data, and wherein the map data and the voice data associated with the map data are recorded on one of the plurality of recording layers and the voice data independent of the map data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036 and page 1, paragraph #0002).

Regarding claim 14, Khavakh et al discloses wherein the navigation information includes map data and voice data (page 3, paragraph #0036 and page 1, paragraph #0002), and wherein the map data is recorded on one of the plurality of recording layers and the voice data is recorded on another one of the plurality of recording layers (page 3, paragraph #0036 and page 1, paragraph #0002).

Regarding claim 15, Khavakh et al discloses an information reproducing apparatus (Fig. 1) for reproducing information from a recording medium having a



plurality of recording layers, in which there are a plurality of areas and on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same area of each of the plurality of recording layers (page 2, paragraph #0034 and page 3, paragraph #0036), the apparatus comprising:

reproducing means (page 2, paragraphs #0033 and #0034) for reproducing the navigation information from each of the recording layers of the recording medium.

However, Khavakh et al does not specifically disclose means for emitting a light beam for reading the navigation information from the recording medium; focus control means for controlling a position of the light beam in a focus direction; and tracking control means for controlling the position of the light beam in a tracking direction.

Sawabe et al teaches a DVD player having means (an optical pickup 80 of Fig. 8, page 10, paragraph #0143 and page 11, paragraph #0146) for emitting a light beam for reading the navigation information from the recording medium; focus control means (focus servo control disclosed in page 11, paragraph #0146) for controlling a position of the light beam in a focus direction; and tracking control means (tracking servo control disclosed in page 11, paragraph #0146) so that the light beam of the reproducing head can be irradiated precisely onto the information track and can be focused on the information record surface of the DVD 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the DVD player as taught by Sawabe et al into Khavakh et al's system in order to accurately reproducing the video signal recorded on the DVD by controlling the focusing and tracking of the reproducing head.

Regarding claim 16, Khavakh et al also discloses the claimed wherein the navigation information includes first map data corresponding to an area at a first scale and second map data corresponding to the area at a second scale that is different from the first scale (page 3, paragraph #0036), and wherein the first map data and the second map data are recorded on one of the recording layers and another one of the recording layers, respectively, in the same area (page 3, paragraph #0036).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

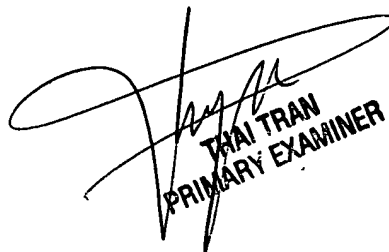
The cited reference relates to DVD player.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ  
April 18, 2003



THAI TRAN  
PRIMARY EXAMINER